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**DECLARATION OF CHERYL THOMAS.
PURSUANT TO 28 U.S.C. § 1746**

I, Cheryl Thomas hereby state that I have personal knowledge of the facts set forth below. If called as a witness, I could and would testify competently as follows:

I. INTRODUCTION

1. I am a citizen of the United States and over the age of eighteen (18) years old. I am employed as an investigator with the Federal Trade Commission (“FTC”) in the Division of Privacy and Identity Protection. My office address is 400 7th Street SW, Washington, D.C. 20024.

2. I have been an Investigator with the FTC since June 2010. On or about December 22, 2015, I was assigned to work on the Commission’s nonpublic investigation of MyEx.com, also doing business under the following names Post MyAd, T & A Media, Internet Secrets, and the Unknown Parties and individuals involved with these companies.

3. My responsibilities include researching and investigating persons and entities that may be violating the FTC Act and other laws enforced by the Commission. In the normal course of carrying out my investigative responsibilities, I regularly use internet search engines, electronic databases, and a variety of other software-based investigative and organizational tools.

4. My investigation related to this matter focused on the following: (1) identifying those responsible for and involved in this website; (2) capturing the website through its URL and the Wayback Machine operated by Internet Archive; (3) gathering website registration data from Whois about MyEx.com; (4) requesting and reviewing information from other governmental agencies; (5) collecting and reviewing Consumer Sentinel Network complaints; (6) corresponding with the MyEx.com ad sales email address; (7) analyzing data obtained from third parties through Civil Investigative Demands (“CIDs”) issued by the Commission, including information about domain registrars, internet hosts, internet advertising related to MyEx.com, and bank accounts used by Defendants; and (8) monitoring the website.

5. I refer to a number of documents in this declaration. In accordance with the FTC’s procedures and this Court’s rules, certain information from these documents has been redacted in order to protect sensitive information, such as personally identifiable information.

II. INVESTIGATIVE PROCEDURES

A. Civil Investigative Demands

6. Throughout the course of the investigation, the Commission issued CIDs to several third-party entities; I reviewed the responses from Bank of America, GoDaddy.com, LLC, and Traffichaus.

III. MYEX.COM WEBSITE

A. “Whois” Information

7. In order to determine the registrant of MyEx.com, I retrieved information from a publicly available database known as a “Whois” database located at www.domaintools.com (“domaintools.com”). Whois information is important because this is where the general public and law enforcement go to obtain contact information about a website, especially if the website is no longer active or if the website does not contain contact information.

8. The domaintools.com website permits paying members to view “Whois History” records, which shows the Whois record as it was captured on a previous date. Comparing the captures from different days can show the changes that occurred over time.

9. I reviewed the Whois History records for the domain name MyEx.com.

10. The report I reference herein was produced on April 23, 2018. Attached is a true and correct copy of the document as it appeared when I bought it, at Attachment A.

11. As of February 15, 2018, according to the report, the website MyEx.com was an active domain, with the name server provided by pananames.com. Att. A, page 3.

12. The website's title was "MyEx.com! Naked Pics of Your Ex." Att. A, page 3.

13. The meta description for the website, which is the concise summary of a website and commonly appears underneath the blue links listed in search engine results, is "Get the dirt before you get hurt or submit your ex gf and bf!" Att. A, page 3.

14. DomainTools tracks changes to a domain's name, IP address, name server, and registrar.

15. On November 23, 2011, Shad Applegate (also known as Shad Cottelli, *see infra* Paragraph 106) is listed as the registrant of MyEx.com, through registrar GoDaddy.com. Applegate is also listed as the administrative and technical contacts, at 6130 Flamingo Road, Las Vegas, NV 89103, and phone number 702-715-8877. Att. A, page 759.

16. On January 7, 2013, the registrant is listed as Domain By Proxy, LLC, at 14747 N. Northsight Blvd. Suite 111, PMB 309, Scottsdale, Arizona 85260. Att. A, page 755. Domains by Proxy (DBP) is an Internet company owned by GoDaddy that offers domain privacy services through partner domain registrars, including GoDaddy. Proxy services conceal the registrant's contact information to the public.

17. On May 14, 2013, the registrant information was changed to be

registered through GoDaddy, by Eun Kim, Singel 540, Amsterdam, 1017 AZ, Netherlands, +31.08941349. This person was also listed as the administrative and technical contact, with the email address shad@myex.com. Att. A, page 753.

18. On May 25, 2013, the registrant information for MyEx.com changed again, with the email address for the administrative and technical contact updated to be eun@myex.com. Att. A, page 752.

19. On June 13, 2013, the registrant information was changed to Whois Privacy, a company based in Hong Kong, with the registrar Eurodns S. A. Att. A, page 751.

20. On or about May 6, 2014, the registrant information was updated to be “kim Eun” at Apt 307, 818 E. Flamingo Road, Las Vegas, NV 89119-7320. Att. A, pages 736.

21. MyEx.com was the registrar with EuroDNS S.A. from on or about April 21, 2014 through July 6, 2014. Att. A, page 781.

22. There were subsequent changes made to the registrant information between eNom.com, back to EuroDNS S.A. and then to URL Solutions, Inc. Att. A, page 781.

23. On or about February 18, 2015, the registrant name changed to “Manukyan Karine,” with the registrant organization listed as “yeicox limited” and

the registrant street and address listed as “Quijano Chambers Road Town Tortola VG.” Att. A, page 677. The phone number was updated to have a “tech phone” of “+37121328067.” Att. A, page 677. This was the contact through November 25, 2015. Att. A, 511.

24. MyEx.com has been with the registrant organization Global Domain Privacy Services, Inc., from November 27, 2015 through present. The organization was stated to be located at Salduba Bldg, 53rd East Street, Marbella, Panama from November 27, 2015 through April 25, 2017, and then updated its address to Tower Financial Center, 35th Floor and corner of Elvira Mendez Street, Panama on April 29, 2017. Att. A, pages 7, 245, 243, 509.

25. MyEx.com was with registrar URL Solutions Inc. from approximately November 26, 2015 through at least present. Att. A, page 781. URL Solutions Inc. has a registrar server at <http://www.pananames.com>. Att. A, page 3.

26. Domain Tools captures snapshots of website homepages on regular intervals. The report features 19 records collected between September 14, 2005 and January 9, 2018. Att. A, page 784.

B. GoDaddy Document Production

27. GoDaddy.com, LLC (GoDaddy) is a company that offers private domain registration.

28. GoDaddy produced documents in response to a CID on or about May 12, 2016. Attachment B contains a subset of those documents, including the certificate of authenticity of business records.

29. Shad Applegate acquired the domain MyEx.com in November 2011 as Shopper 442217 with GoDaddy, associated with email address shadapplegate@gmail.com. Att. B, page 19 (GD 000629).

30. Applegate signed up for GoDaddy's Domains By Proxy (DBP) service on January 1, 2013. The DBP customer number was 3418779. Att. B, page 18 (GD 000607).

31. On May 5, 2013, a consumer contacted GoDaddy concerning content on MyEx.com and inquiring whether GoDaddy could assist in getting content at a specific URL removed. Att. B, page 20 (GD 000701).

32. On May 10, 2013, Shopper 442217, identified as Shad Applegate, at phone number 702-715-8877, cancelled the MyEx.com domain with that shopper account, and moved the domain MyEx.com to the account for Shopper 65318215. Att. B, page 17 (GD 000593).

33. Shopper 65318215 was also Shad Applegate, with billing and shipping information as 6130 Flamingo Road, Las Vegas, NV 89103, with phone number 702-715-8877. Att. B, page 22 (GD 000789).

34. On May 10, 2013, Applegate, as Shopper 65318215, purchased Private Registration Services for MyEx.com. Att. B, page 23 (GD 000790).

35. On May 20, 2013, Applegate wrote to GoDaddy, saying, “I recently did an account change for myex.com from [Shopper] 442217 to [Shopper] 65318215 & I’m transferring it to a different registrar. Please unlock the 60 day hold & release the domain to the new registrar.” Att. B, page 13 (GD 000074).

36. On May 9, 2013, GoDaddy responded that it received a “Request For Email Update form” for MyEx.com and to process the request it required a “copy of government issued business ID for the company listed as the current account holder.” Att. B, page 10 (GD 000070).

37. On May 9, 2013, Applegate responded stating “This is not a business & [sic]; there’s no business license. I need the email changed to . . . ShadApplegate@gmail.com.” Att. B, page 11 (GD 000072).

38. On May 10, 2013, at 1:47 PM, in response to an email from GoDaddy stating they must receive government-issued business identification to serve as consent to process the requested change to the account, Applegate wrote “Because its [sic] not a company it’s a made up name for the address & [sic]; phone number in the Netherlands. The fucking domain is in my godaddy account. I own it & [sic]; its has been sold & [sic]; I need to transfer it out. You have access

to my godaddy account & [sic]; you have my phone number. I've already requested all my domain by proxy accounts to be merged." Att. B, page 12 (GD 000073).

39. On May 10, 2013, at 4:27 PM, Applegate wrote, "I don't have government paper. This is not a company. Change the god damn email." Att. B, page 12 (GD 000073).

40. On May 11, 2013, Applegate updated the billing information from the information shadapplegate@gmail.com, 6130 Flamingo Road, Las Vegas, NV 89103, and phone number 702-715-8877, to be Eun Kim, with email address shad@myex.com, Singel 540, Amsterdam 1017, AZ Netherlands, with phone number +31.08941349. Att. B, page 2 (GD 000004).

41. On May 14, 2013, GoDaddy informed Applegate that it had been contacted by law enforcement regarding content on the site related to reports of child exploitation, and asked Applegate to contact a specific investigator, with a [REDACTED] Police Department's Internet Crimes Against Children Task Force, provided his contact information and the specific URL address of the content at issue. Att. B, page 14 (GD 000077).

42. On May 14, 2013, GoDaddy messaged Applegate informing him that "the contact information provided for the domain name registration for

MYEX.COM appears to be invalid or incomplete” when it was listed as Eun Kim, with email address shad@myex.com, Singel 540, Amsterdam 1017, AZ Netherlands, with phone number +31.08941349. Att. B, pages 5-8 (GD 000053-56).

43. On May 21, 2013, GoDaddy sent emails to note the information associated with the account was invalid. Att. B, page 4 (GD 000007).

44. On June 4, 2013, Applegate tried to transfer the domain MyEx.com, but was unable to do so because there was a 60-day lock on it after he “canceled privacy.” Att. B, page 3 (GD 000006).

45. On June 4, 2013, Applegate faxed “all the documentation” and told GoDaddy to “Transfer it & stop holding my domain hostage.” Att. B, page 9 (GD 000067).

46. On June 5, 2013, GoDaddy messaged Applegate, informing him that they had been contacted by the [REDACTED] Police Department regarding underage content on the site, attaching the request in order for the content to be removed. Because the image was of someone underage, the person in the image could not consent to the picture being taken or shared. Att. B, page 15 (GD 000079).

47. On June 6, 2013, GoDaddy noted that it “Received appropriate documentation authorizing lock removal.” Att. B, page 3 (GD 000006).

48. On June 11, 2013, Applegate transferred the MyEx.com domain to the registrar EuroDNS S.A. Att. B, page 1 (GD 000003).

49. In November 2015, Shopper 442217 changed the information registered with GoDaddy so that his last name changed in their records from “applegate” to “Cottelli.” In February 2016, Shopper 442217 changed his contact information from shadapplegate@gmail.com to shadcottelli@gmail.com. Att. B, page 21(GD 000737).

50. As of March 25, 2016, Shopper 442217 had shipping and billing addresses of “Shad Cottelli, 6130 flamingo road Las Vegas, NV 89103 US” alongside the email address shadapplegate@gmail.com. Att. B, pages 24, 25 (GD-000791; GD-000795).

C. Screen Captures of MyEx.com

51. Throughout the course of this investigation, in order to view and conduct research on the Defendants’ website, I used standard FTC undercover computers located at my business address. The standard computers have various evidence-capturing software tools installed on them and are separate from the FTC computer network. These computers run the Microsoft Windows 7 Professional operating system with the latest software and security patches. In order to capture relevant websites, I used two software programs: i) Adobe Professional’s Web

Capture tool, which allows users to create a copy of a website and save it as a PDF file; and ii) Snag-it, which allows users to capture a full-page screenshot and convert into a PDF file or grab the website's entire scrolling area. Each PDF indicates the date and time when I captured the website.

i. Screen Captures of MyEx.com via Wayback Machine

52. Throughout the course of the investigation, I reviewed the website MyEx.com. In order to capture website pages that no longer existed on the version of the website at the URL, I accessed the Wayback Machine. The Internet Archive Wayback Machine is a digital archive of the World Wide Web. While it allows the public to upload and download digital material to its data cluster, the bulk of its data is collected automatically by its web crawler. Web crawlers are computer programs that scan the web, "reading everything they find." The crawler then turns its findings into a giant index. The data for the website MyEx.com was removed from this archive on or about September 7, 2017.

a. Defendants' Solicitation and Disclosure of Personal Information and Intimate Images

53. On January 21, 2016, I visited the Wayback Machine Archive and accessed the MyEx.com terms of use page captured by Wayback Machine on January 15, 2013. The page is titled "MYEX TERMS OF USE." On this page, the terms of use stated in part, "Welcome to the MyEx.com service and website

provided by EMP Media, Inc.” It identified its mailing address as “MyEx.com, c/o EMP Media, Inc. Attn. Legal Department, DMCA Complaints, 6130 W. Flamingo Rd. #732, Las Vegas, NV 89103.” This “Terms of Use” document stated it was effective August 21, 2012, per the date at the end of the page. Attached is a true and correct copy of the site as it appeared when I printed it, at Attachment C.

54. On July 6, 2016, I visited the Wayback Machine Archive and accessed the MyEx.com privacy policy captured by Wayback Machine on August 23, 2012. The webpage is titled “MYEX PRIVACY POLICY” which stated in part, “EMP Media, Inc. dba MyEx or We or Us or the Company has created this privacy statement (this “Statement”) in order to demonstrate its commitment to customer privacy.” Attached is a true and correct copy of the site as it appeared when I printed it, at Attachment D.

55. On July 13, 2016, I visited the Wayback Machine Archive and accessed the page on which individuals would submit information about their exes, captured by Wayback Machine on September 30, 2012. MyEx.com’s page on which individuals would submit information about their exes was titled “ADD YOUR EX,” and *required* the following information to be submitted: first name of your ex, last name of your ex, gender, as well as a title for the post, a narrative for the post (called “The Dirty Details”), and required at least one tag for the post. The tag

could be selected from the following list of check boxes: “Bad in Bed,” “Broke,” “Cheater,” “Dead Beat Dad,” “Dead Beat Mom,” “Drug Addict,” “Ex Con,” “Gay,” “Gold Digger,” “Good in Bed,” “Has Jungle Fever,” “Liar,” “Physically Abusive,” “Slut,” “Sweatheart,” and “Teeni Weenie.” Attached is a true and correct copy of the site as it appeared when I printed it, at Attachment E.

56. At that time, the following information—while not required—*could also be submitted*: nickname, middle name, date of birth, maiden name, personal email, present country, present state, present city, country of birth, state of birth, city of birth, whether the person is a professional celebrity or athlete, phone number, and the range of time the submitter dated the person. Att. E.

57. Also at that time, the site allowed for an unlimited number of files to be uploaded, including photos in .jpg, .png or .gif formats; word documents as .docx, .doc, or .pdf; video as .avi, .mp4, .flv, or .3gp; and audio files as .wav, .mp3 or .wma. Att. E.

58. Also at that time, around September 30, 2012, the site listed “Social Networking Links that connect to “ADD YOUR EX” and instructed the submitter, “Please enter the whole URL with the http://” and included text boxes for accounts on Facebook, Twitter, LinkedIn, and MySpace. Att. E.

59. On or about July 13, 2016, I visited the Wayback Machine Archive and

accessed the page, “ADD YOUR EX,” as captured by Wayback Machine on April 16, 2013, and noted the title of the page had changed to “MAKE A POST,” and stated, “Add Someone. Feel Good.” This page allowed the submitter to link to Facebook or Twitter. Attached is a true and correct copy of the site as it appeared when I printed it, at Attachment F.

60. On or about July 18, 2016, I visited the Wayback Machine Archive and accessed the page, “SUBMIT YOUR EX,” as captured by the Wayback Machine on November 13, 2015, which was the latest capture allowing a submitter to link a submission to the Facebook and Twitter account of the individual being submitted. Attached is a true and correct copy of this site as it appeared when I printed it, at Attachment G.

61. On or about January 1, 2016, I visited the Wayback Machine Archive and accessed the landing page, as captured by the Wayback Machine on April 30, 2013, which included intimate images of individuals that were located directly next to personal information about the person in the images, which at various times included: first name; last name; city; state; age; links to email and social media accounts, including Twitter, LinkedIn, Myspace, and Facebook; categorical tags; and the submitter’s narrative description of the individual pictured. Attached is a true and correct copy of the site as it appeared when I printed it, as converted from a

PNG to PDF, at Attachment H.

62. When a visitor to the site clicked on a specific entry, the visitor would be brought to the MyEx.com page featuring the full entry, which was publicly available.

63. On or about August 21, 2017, I visited the Wayback Machine Archive and viewed entries that included what the site called “MyEx ID Numbers.” This appears to have been a part of entries from at least September 26, 2012 through at least March 13, 2013, as captured by the Wayback Machine. Attached are true and correct copies of the sites as they appeared when I printed them, at Attachment I and Attachment J.

64. On or about August 2, 2016, I visited the Wayback Machine Archive and accessed entries that included star ratings. This appears to have been a part of the entries starting at least as early as January 5, 2016, through to January 2018. Attached is a true and correct copy of the site as it appeared when I printed it, at Attachment K.

65. On August 9, 2017, I visited the Wayback Machine Archive and accessed the page on which individuals could add their exes, captured by Wayback Machine on January 16, 2013. For some period of time, around January 16, 2013, the site also inquired “Does your EX have kids?” Attached is a true and correct

copy of the site as it appeared when I printed it, at Attachment L.

66. On January 21, 2016, I visited the Wayback Machine Archive and accessed “MYEX TERMS OF USE” captured by Wayback Machine on February 9, 2013. MyEx.com’s Terms of Use stated, “MyEx.com service and website provided by Web Solutions B.V.” and its legal and media contact information was listed on the Terms of Use was stated as “Websolutions Netherlands Single 540 1017 AZ Amsterdam the Netherlands” with the phone number listed as “+31(0)20 8941 349.” Attached is a true and correct copy of the site as it appeared when I printed it, at Attachment M.

67. On July 13, 2016, I visited the Wayback Machine Archive and accessed the page where submissions could be made that was captured by Wayback Machine on November 16, 2013. On or around November 16, 2013, the website changed the submission page from “ADD YOUR EX” to “MAKE A POST” and titled, “Add Someone. Feel Good.” The site stated, “[f]ace must be visible in at least one picture. If photo is nude check the box.” Attached is a true and correct copy of the site as it appeared when I printed it, at Attachment N.

b. MyEx.com’s Search Function

68. On July 13, 2016, I visited the Wayback Machine Archive and accessed the page where submissions could be made that was captured by Wayback Machine

on January 6, 2014. The site had a “Find Someone You Know,” which was a search feature for the site. Attached is a true and correct copy of the site as it appeared when I printed it, at Attachment O.

69. On August 16, 2017, I visited the Wayback Machine Archive and accessed the “Search” and Advanced Search” function, as captured by Wayback Machine from September 8, 2012 through March 19, 2013. During that time period, the site allowed visitors to search for images of individuals on the landing page by gender, first name, last name. Attached is a true and correct copy of the site as it appeared when I printed it, at Attachment P (Sept. 8, 2012). Visitors could also run an “advanced search” by date of birth, middle name, nick name, maiden name, present country, present state, present city, country of birth, state of birth, and city of birth. Attached is a true and correct copy of the site as it appeared when I printed it, at Attachment Q (March 19, 2013).

70. On or about August 16, 2017, I visited the Wayback Machine Archive and accessed the “Search” and “Advanced Search” function, as captured by Wayback Machine on March 25, 2013 through May 28, 2013. During that time period, the site allowed for visitors to search for images of consumers on the landing page by gender, first name, last name, and state; visitors could advance search by date of birth, middle name, nick name, maiden name, country, and city. Attached

are true and correct copies of the sites as they appeared when I printed them, at Attachment R (March 25, 2013) and Attachment S (May 28, 2013).

71. On or about August 16, 2017, I visited the Wayback Machine Archive and accessed the “Search” function, as captured by Wayback Machine on June 6, 2013. At that time, the site allowed for visitors to search for images of consumers by first name, last name, and state. Attached is a true and correct copy of the site as it appeared when I captured it, at Attachment T.

72. On or about August 3, 2016, I visited the Wayback Machine Archive and accessed the “Search” function, as captured by Wayback Machine on January 14, 2016. At that time, the site allowed for visitors to search for images of consumers by first name, last name, and location. Attached is a true and correct copy of the site as it appeared when I printed it, at Attachment U.

c. MyEx.com’s Policy on Removals

73. On or about May 8, 2017, I visited the Wayback Machine Archive and accessed the “CONTACT US” page, as captured by Wayback Machine on August 19, 2013, “Myex.com has no removals policy. If you are an adult who has been submitted to this site tough luck.” This page also stated, “If you have the need to send mail please address it to MyEx.com c/o Web Solutions B.V. Attn: Legal Department DMCA Complaints. Websolutions Netherlands, Singel 540 1017

Amsterdam The Netherlands Attn: Legal Department.” Attached is a true and correct copy of the site as it appeared when I printed it, at Attachment V.

74. On or about May 15, 2017, I visited the Wayback Machine Archive and accessed the “Removal Policy,” captured by Wayback Machine on October 5, 2013, which stated, “Myex.com does not permit or entertain removal requests from individuals who have been submitted to this website. In some cases Myex.com may adhere to the dispute resolution process from independent arbitration services. If you feel you have been submitted to this site wrongfully you may contact one of the independent arbitration companies below.” Attached is a true and correct copy of the site as it appeared when I printed it, at Attachment W.

75. On or about May 15, 2017, I visited the Wayback Machine Archive and accessed the “Removal Policy” as captured by Wayback Machine on December 5, 2013, which stated, “Myex.com may adhere to the dispute resolution process from independent arbitration services. If you feel you have been submitted to this site wrongfully you may contact one of the independent arbitration companies below reputationguard.co.” Attached is a true and correct copy of the site as it appeared when I printed it, at Attachment X.

76. On or about May 15, 2017, I visited the Wayback Machine Archive and accessed the “Removal Policy” as captured by Wayback Machine on March 5, 2014,

which stated, “Myex.com may adhere to the dispute resolution process from independent arbitration services. If you feel you have been submitted to this site wrongfully you may contact one of the arbitration companies.” Attached is a true and correct copy of the site as it appeared when I printed it, at Attachment Y.

77. As of January 8, 2014, there were approximately 5,070 consumers featured on the website, as there were ten entries per page and 507 pages of the website. Attached is a true and correct copy of the site as it appeared when I printed it, at Attachment Z.

78. On or about May 15, 2017, I visited the Wayback Machine Archive and accessed the “Removal Policy,” as captured by Wayback Machine on June 5, 2014, which stated, “As a general rule, if you don’t want photos of you end up on the internet be more careful who you send them too or better yet don’t send them at all.” Attached is a true and correct copy of the site as it appeared when I printed it, at Attachment AA.

ii. Screen Captures of URL MyEx.com Website

79. From at least August 14, 2017 through January 9, 2018, the website’s page where submissions can be made is labeled, “SUBMIT YOUR EX,” and underneath the title it states, “Add Your Ex: Their Basic Info.” The site has various text boxes for the submitter to populate, including “Their Name,” “Their Country,”

“Nickname,” “Their State/Region,” “Their Age,” “Your Post Title,” “Their Gender,” and “Give Casey some details or tell your story;” Casey is purportedly the name of the person who runs the MyEx.com website. Attached is a true and correct copy of the site as it appeared when I printed it, at Attachment BB.

80. From at least August 14, 2017 through January 9, 2018, the entries on MyEx.com showed the first name, last name, age, and location of the person featured in the intimate images, next to the images. Attached is a true and correct copy of the site as it appeared when I printed it, at Attachment CC.

81. At that time, the search function on the website allowed visitors to search by first name, last name, and location. Att. CC.

82. Also at that time, the website allowed for a one to five star rating for each entry and displayed the total number of votes and views. Att. CC.

83. Also at that time, the entries included pictures exposing genitals, pubic area, buttocks, or female nipples or otherwise depicting sexual conduct.

84. From September 28, 2017 through January 9, 2018, the website search function would sort intimate images by images and movies. Attached is a true and correct copy of the site as it appeared when I printed it, at Attachment DD.

85. From September 27, 2017 through January 9, 2018, the website landing page displayed “Recently Most Viewed Exs,” “Most Viewed Exs” and “Most Rated

Exs.” Attached is a true and correct copy of the site as it appeared when I printed it, at Attachment EE.

86. Also at that time, the website landing page displayed tabs with labels including “Sex Tapes,” “Just Girls,” and “Just Guys.” When one clicked on these labels, the site loads entries of just the category clicked on. Att. EE.

87. Also at that time, visitors to the website could leave a comment on any entry, which is visible to other visitors. Attached is a true and correct copy of the site as it appeared when I printed it, at Attachment FF.

88. On or about October 12, 2017, I submitted two entries “Testing 123 comments without enrolling or creating an account” and “Testing 1234 again comments field without using an email address and without creating an account.” Att. FF.

89. The website contains entries concerning approximately 12,680 different individuals, as of January 9, 2018. Attached is a true and correct copy of the site as it appeared when I printed it, at Attachment GG.

iii. Website No Longer Hosting Content

90. On January 10, 2018, I visited the URL MyEx.com and the website no longer hosted any content.

91. I have continued to check the URL weekly, and the content has not

been viewable.

D. Search Engine Results for MyEx.com

92. On or about September 11, 2017, I visited Google.com and searched “MyEx.com” on the search engine and captured the search results. The results from the search populated the site MyEx.com first, and the description for the site stated, “MyEx.com! Naked Pics of Your Ex Get the dirt before you get hurt or submit your ex gf and bf!” Attached is a true and correct copy of the search result as it appeared when I printed it, at Attachment HH.

IV. EMP MEDIA, INC. CORPORATE INFORMATION

93. During the investigation, the FTC obtained corporate records, including articles of incorporation, and other documents, from the Nevada Secretary of State. Attached is a true and correct copy of the document as it appeared when I viewed it, at Attachment II, page 4.

A. Incorporation of EMP Media, Inc.

94. Defendant EMP Media, Inc. (“EMP”) was a Nevada corporation that had its principal place of business at 6130 Flamingo Road, Las Vegas, Nevada, 89103. Att. II, page 4.

95. EMP was incorporated on August 21, 2008. Aniello Infante signed EMP’s articles of incorporation. Att. II, page 4.

96. EMP was dissolved as a corporation on July 7, 2016. Att. II, page 22.

97. Aniello Infante was EMP's president (in 2008 and from August 2015 through dissolution in July 2016); secretary (2008 through September 2012, and August 2015 through dissolution in July 2016); treasure (2008 through April 2010, and August 2015 through dissolution in July 2016); and director (2008 through January 2012, and August 2015 through dissolution in July 2016); as well as the registered agent for the corporation (2008 through October 2010, and August 2015 through dissolution). Att. II.

98. Defendant Shad "John" Applegate, also known as Shad Cottelli (see *infra* Paragraph 106), was EMP's president (October 2012 through March 2013); secretary (October 2013 through March 2014, and April 2014 through July 2015); treasurer (May 2010 through January 2014); and director (October 2012 through March 2014). Att. II.

B. EMP Doing Business In Other Names

99. Bank of America produced documents in response to a CID on or about May 23, 2017 and July 15, 2017.

100. In September 2013, Shad Applegate and Jason Fisher opened a Bank of America account in EMP Media, Inc's name. Attachment JJ, pages 1-4 BoA-FTC-000022 through BoA-FTC-000025 (with certificate of authenticity).

101. The records show EMP Media, Inc. had an account in the name EMP Media, Inc. “DBA INTERNET SECRETS.” Attachment KK, pages BoA-FTC-000026 through BoA-FTC-000029 (with certificate of authenticity).

102. The records show EMP Media, Inc had accounts where it stated it was “conducting business in Clark County,” Nevada, under the fictitious name of Post My Ad.” Attachment LL, page BoA-FTC-000034 (with certificate of authenticity).

103. EMP Media, Inc. also had accounts listed with Bank of America as doing business as T & A Media. Attachment MM, pages BoA-FTC-001093 through BoA-FTC-001096 (with certificate of authenticity).

V. INDIVIDUAL DEFENDANT SHAD APPELEGATE AKA SHAD COTTELLI

104. On or about May 16, 2017, I received a copy of drivers’ licenses on file from the Department of Motor Vehicles (“DMV”) in Nevada for Shad “John” Applegate, in response to my written request. Attached is a true and correct copy of the document as it appeared when it viewed it, at Attachment NN.

105. According to Department of Nevada Motor Vehicles records, Shad Applegate changed his name to John Applegate on May 12, 2009. Att. NN.

106. According to information provided by the Eighth Judicial District Court, Clark County, Nevada, on or about July 20, 2015, the Nevada state court ordered the name change from Shad Applegate to Shad Tristan Cottelli. Attached is

a true and correct copy of the document as it appeared when Commission staff received it, at Attachment OO.

107. [intentionally left blank]

VI. MYEX.COM ADVERTISING

A. Advertising is Sold Directly by MyEx.com

108. MyEx.com includes a link on its main page for individuals or businesses interested in advertising to click on, named “Advertise.” It has stated, “MyEX.com has limited ad space. ACT NOW!” and “[I]f you would like to advertise your site or product on myex.com please contact us for more information about site placement and prices [c]ontact us at: adsales@myex.com.” Attached is a true and correct copy of the site as it appeared when I printed it, at Attachment PP.

109. On or about February 16, 2017, I created a fictitious undercover Gmail account. I submitted an undercover email to Adsales@gmail.com requesting information about advertising on MyEx.com. Attached is a true and correct copy of the email as it appeared when I printed it, at Attachment QQ.

110. On or about February 22, 2017, I received a response from Adsales@gmail.com asking, “Hello, what spots are you interested in? banners, tabs or popunders? regards.” Att. QQ.

111. On or about May 25, 2017, I responded to Adsales@gmail.com, stating

that I was interested in banners. I inquired about how much the banners would cost and for how long would the ad run. To date, I have not received a response.

Attached is a true and correct copy of email as it appeared when I viewed it, at Attachment RR.

B. Advertising On MyEx.com Generates Revenues For Defendants

112. Traffichaus.com (“Traffichaus”) produced documents in response to a CID on or about June 22, 2017. Attachment SS contains documents obtained from Traffichaus.

113. From at least May 2015 through May 2017, Traffichaus served ads on MyEx.com. Attached is a true and correct copy of the document as it appeared when the company produced it and I printed it, at Att. SS at TRAF-FTC-0000006 through TRAF-FTC-0000007.

114. Advertising by Traffichaus from May 2015 through May 2017 generated over \$117,000 in profits for Defendants. Att. SS TRAF-FTC-0000006 through TRAF-FTC-0000007.

115. Ads were served by Traffichaus on MyEx.com through at least September 27, 2017, as shown in the URL of the attachment. Attached is a true and correct copy of the site as it appeared when I captured it, at Attachment TT.

VII. CONSUMER COMPLAINTS

116. During the course of the investigation, I reviewed approximately 132 consumer complaints filed against the MyEx.com website in the FTC's consumer complaint database, the Consumer Sentinel Network ("Sentinel"). Sentinel maintains complaints mailed to the Commission, entered on the Commission's website (www.ftc.gov), and telephoned to the Commission (877-FTC-Help) by consumers. Sentinel also includes consumer complaints forwarded by or entered directly into the database by law enforcement authorities and consumer protection organizations throughout the nation and around the world. I ran searches for MyEx.com in the database in December 2015, which resulted in a spreadsheet of complaints from consumers that I then downloaded. The consumer complaints that I reviewed were submitted to Sentinel between April 13, 2013 and December 16, 2015. Attached is copy of the spreadsheet of the consumer complaints, alongside dates of submission, and reference numbers, as they appeared when I downloaded them, at Attachment UU.

A. Consumer Complaints Related to Harm

117. Below is a selection of consumer complaints received by the Federal Trade Commission that, in their own words, state the specific harms these consumers experienced as a result of this website posting their intimate images and

personal information:

- a. “[Redacted name] posted nude pictures of me on the website myex.com with out my consent. He kept threatening me and sent me the link of the site where he posted m,y pictures. He used to be my boyfriend for 5 years but we have been separated for almost a year now. These pictures can cause me my job and school. The website is asking for \$499 to remove the pictures but when I informed them that I had contacted the police they didn’t reply back to my email. It seems to be a scam because they ask for you to pay the \$499 in money order from western union for an account in the name of Sheila Mae R. Garcia 5021nZamora St. Lourdes Northwest, Angeles City - 2009 Phillipines mobile number +6339991965728 when the website provides you with a Netherlands address. Websolutions Netherlands Singel 540 1017 AZ Amsterdam The Netherlands. I need help in taking these pictures down, it's affecting my life in every way. I’ve had to miss school and work and I’ve been getting sick from my nerves and distress. please help me” (Consumer Sentinel Reference Number: 49046358; submitted Oct. 15, 2013).
- b. “Yesterday, November 13th, I received multiple (approx 11) friend requests via facebook from unknown individuals. I choose to delete the requests, as I did not know who they were. One particular individual attempted multiple times to add me, [redacted name], and I continues to delete the requests. She then sent me a facebook direct message that stated that if I don't do what she says, then she will send these pictures to my family and friends. She sent photos to me from a previous relationship I had. I was 17 years old when the photos were taken. My previous place of work, [redacted business], also received a phone call detailing the website where my photos were posted. I have gone to the website, my ex.com, and these photos were posted. [redacted URL]. The users of the website have access to my name, my facebook and my place of work. I am being blackmailed and am concerned for my safety and my future. I WAS a minor in an abusive relationship when these photos were taken, and I do not want them to tarnish my future. I have, as a result, temporarily deleted my facebook account.” (Consumer Sentinel Reference Number: 4970099; submitted Nov. 14, 2013).

- c. “My ex-husband, **[redacted name]**, posted a compromising picture of me (topless) on a revenge porn website (myex.com). The site states that the picture was posted on Nov. 8, 2013. I did not find out that the picture was up until Jan. 1, 2014. The picture now shows up in Google when my name is searched. I am in my last semester in school to become a public school teacher. I begin student teaching in a week. I will be teaching high school. It only takes one student to Google my name before the entire school finds out. My career is in jeopardy. I have contacted a lawyer to have the picture copyrighted. (It is clear in the picture that I am the one taking the photograph.) But they have done little to get the case under way. The image has been reported to Google, and Google has been contacted (I spoke with someone who is putting together a report- her name is **[redacted name]**). The image came down from Google at one point (last Saturday or Sunday 1/4 or 1/5 I can’t be sure), but is now back up (1/10). I have tried to contact **[redacted name]**, but with no success. I’m also worried to upset him as things could get worse- they will get worse, he is extremely vindictive and has been in trouble with the law countless times. Please help. I do not want my career to be ruined because of something like this- and I would never want to think any of my students could be victimized the same way. We were married for 3 1/2 years and we’ve been divorced now for 1 1/2 years. Please feel free to contact me regarding the issue. Thank you for your time and attention to this matter, **[redacted name]**.” (Consumer Sentinel Reference Number: 51682648; submitted Jan. 10, 2014).
- d. “Im not 100 percent sure if Im getting this to the right place but im reaching out. It may sound like something petty to you but you must understand that is is destroying my life and theres more to it than you realize. Theres a site called myex.com which allows people to post pictures of their ex’s, the thing is anyone can post anybody and theres nothing you can do other than pay a \$1500 takedown fee which does no good because it goes to the phillipines and who knows if anything will be done, plus the person can repost the ad. If you search someones name it pops up on google search. Ill give you a perfect example of what it does to somebody and my story. My name is **[redacted name]** and around November I started dating a girl named **[redacted name]** who was in the process of a divorce, we didn’t get very serious or anything, **[redacted name]** has a kid from a previous

boyfriend before she was married, This person has mental issues (we found out he had camaras spy devices on her phone etc) this is all stuff that happens with people who have mental issues, anyhow when me and **[redacted name]** started dating (nothing serious) he got jealous and posted her on myex.com, then I was also posted with pictures of 2 homosexual males and in the posting it says im on steroids, gay and racist, then in comment section it posts my address phone number etc putting me in danger. After many attempts and emails to the site trying different avenues they do nothing, wont take it down etc. I lost my contract with **[redacted business name]** and had to take a low paying **[redacted business name]** delivery job because if I am google searched as **[redacted name]**, **[redacted city]** city its what comes up, ive always been an honest citizen and haven't ever been in an ounce of trouble my whole life and ive pretty much lost my business because of this site. Many people have committed suicide due to this site because it is there to destroy lives and maybe some of the people were posted there for good reason but theres a lot who have not done nothing to deserve any of this. It sounds petty but this is a big deal, this destroys lives. I know it probably wont be easy to take the site down but if you can give me anything on what I can do? Do I have any ground to stand on for anything? Please help" (Consumer Sentinel Reference Number: 53990146; submitted May 27, 2014).

- e. "My ex boyfriend put naked pictures of me on myex.com. there are a few pictures a video and my full name and the city where I live also on the internet. Also the other day someone called one of my jobs and told my coworkers there were naked pictures of my on the internet" (Consumer Sentinel Reference Number: 5631970; submitted Sept 3, 2014).
- f. "On Thursday, December 19, 2013, I became aware that someone had posted negative and false comments about me and my partner on a site called Thedirty.com After finding this comment (posted November 24, 2013), I followed a trail through google to a revenge pornography site called MyEx.com. On this site there were several pictures posted of me and a commentary that was almost identical to the comment on the other page. The photos had been copied from my facebook page, a professional photographer's online portfolio (a copy written image), and google (these photo's are not found with an image search anywhere but on the page my.com, though were once on google). The

site gave a link to my social media account along with my name and that of my partner and the state and city we reside. Only one photo was partially nude, the one that belonged to the photographer. It was the slanderous comments that were the most harming claiming I worked as a prostitute and “stripper,” was a drug addict, had several suicide attempts, hospital admissions, and arrests; as well as claiming I often leave my son to go party. This post was made on November 29, 2013. The site offers a removal fee of about 500\$ USD. I immediately set out on a campaign to raise awareness to this sort of victimization, rather than hiding it. On Tuesday, December 24, 2013, I found the page had been removed. Besides the attempt to defame and extort money, I feared for the safety of myself and my family (my partner and 9 year old son). I stopped sleeping, eating, and began to hide inside my house researching laws and contacting anyone I could think of. On December 22, 2013, my partner and I filed a report with the local **[redacted name of town]** Police Department, who really stated that there was no crime committed and stated first amendment rights. We insisted he document the incident anyway. I have a suspicion of who made the anonymous post based on multiple pieces of circumstantial evidence. After speaking with a family friend, a retired FBI officer **[redacted name]**, who then instructed me to contact you as this was something you would be able to investigate, (extortion, intent to defame or cause harm, cyber bullying) and wouldn't push me away as did the local PD.” (Consumer Sentinel Reference Number: 50719212; submitted Dec. 26, 2013).

- g. “I am interested in filing charges against and getting the website myex.com removed from the internet. My 16 year old is the latest victim of this extortion site. She had made the unfortunate mistake of sending her boyfriend some topless photos. With the intent that they were for ‘his eyes only’ since he was her ‘boyfriend’. After they broke up, he posted these pictures and derogatory remarks about her on the site, including her real name, city, person info and psychiatric information. She has never actual met this man (19 yr old) in real life. (The whole of their relationship took place via phone and email.) The site charges \$500 to get the info removed, from it’s site and an additional \$500 for EACH of it's sister-sites. I have filed a police report with my local law enforcement to press charges against the adult that posted my daughter info. However, this HAS to be illegal!

How is this not extortion! ! ! Wether you're a minor or not. I would like to be contacted about how I can press charges against this company, get this site and it's sister sites shut down, and get some restitution for my 16 year old daughter, who's reputation is now destroyed. There are hundreds, if not thousands of victims.” (Consumer Sentinel Reference Number:50843165; submitted Dec. 18, 2013).

- h.** “I am trying to have my friends photos removed from the website: www.myex.com It is damaging to her job and mental well-being. We both have sent messages to the company to take down the the post and photos. We are in the process of sending DMCA notices to the company, related companies, and web searches. If we cannot get in contact with the company and have her photos and information deleted expeditiously we will have to hire an attorney and file a lawsuit for invasion of privacy, intentional infliction of emotional distress, or copyright infringement. Every minute this is not dealt with impacts her job and metal well-being.” (Consumer Sentinel Reference Number: 57768066; submitted Nov. 24, 2014).
- i.** “Almost a year ago, my sister and her husband had to painfully let me know that they found nude pictures of myself and my husband on the internet. There was no other explanation as to how they were leaked onto the internet aside from computer hacking as my husband and I took these photos for each other and are in a strong, loving relationship. A specific set of them, which are mostly of me are now coming up as some of the first images in the results when you search my first and last name (my maiden name). They started showing up in search engines within the last three months. I am horrified and I have been suffering mental and physical ailments throughout this whole ordeal as I feel completely embarrassed and violated and I am very concerned with my career along with my husbands. I have emailed this site and their supposed administrator countless times and they are not willing to take them down. I have sent DMCA take down notices to this site as well and they ignore them. I need help. My husband is overseas on deployment and the lawyer I spoke with seems to know less than I do nor can I afford his services that don't guarantee anything. Also, this site and others have stories that “narrate” the nude pictures of me that are disgusting, degrading, make me sound like an awful human being, and are absolutely false. The site also says the

state I live in, a state that I recently lived in within the last 12 months, my first and last name, and I am disturbed by all of these facts and scared as to how they got this information and what this might mean for me. Not to mention, the first thing that comes up when you click on the photo that appears in the search results is how and who to PAY to supposedly get the photos taken down. Doesn't this constitute black mail/exploitation, copyright infringement, defamation, and invasion of privacy? How is this legal? Why are they ignoring my DMCA take down letter when all the other sites I sent them to complied without any hesitation. I am a student and trying to go to school as well as work and this is making my life very difficult. I have terrible anxiety now whenever I'm in public, school, work, etc. I am afraid that one of my classmates, teachers, co-workers may find these and get me into trouble or fired or who knows what else. I need someone to give me some answers and to get these photos taken down from this disgusting site and hopefully all the sites they appear on. Do I call the police? I do not trust what people would do if they found these. There are comments under the pictures that confirm that people are recognizing me in the photos. I am upset and I'm scared. I fear for my safety. I feel like a computer hacker is somehow tracking and targeting me. It's really messing with my head, not to mention how worried and upset my husband is by this situation as he has had to listen to me deal with this while he is also dealing with being overseas on deployment. My husband and I are good people. I am studying to become a teacher and he is in the military. We don't deserve this abuse. We believe we are the victims of computer hacking and internet abuse. Please help me." (Consumer Sentinel Reference Number: 51701017; Feb. 8, 2014).

- j. "I sent private pictures to my boyfriend **[redacted name]** and his Ex girlfriend stole the picture off of his memory card and saved them. She has had the picture for a while. In June 2013, she paid a website called myex.com and posted those pictures for the public to view. If you search my name on google the images pop up and then like you to the website. This has ruined my life my friend was googling names and saw the images on Wednesday September 4, 2013, and she told me. There are very bad comment on the pictures and false statements made. This has humiliated me a defamed my name. This is a hate crime and I want justice. I did not give any form of permission for these pictures to be posted. I am very mentally disturbed by this and

need immediate assistance. I called a company called internetreputation.com, I paid them \$1400 to start the process. This was done 9/7/13. I have 1400 more before 30 days. I don't not know if this is a real website that help this is why I am reporting everything." (Consumer Sentinel Reference Number: 48634475; Sept. 7, 2013).

- k. "In July of 2013, while performing a Google search for my name **[redacted name]** I discovered numerous nude, extremely private photos of myself on a website called MyEx.com. After racking my brain to think of who could have possibly posted those pictures, I realized that no one could have had access to them because they were on MY PERSONAL COMPUTER. I immediately submitted an e-mail to the contact listed on the site (legal@myex.com) advising them that the photos were stolen and requesting that they remove them ASAP. I continued to do so for 3 consecutive weeks with no response whatsoever. At the time, these pictures were found on page 7 of a google search; Now they are the first or second link that comes up! I have also noticed that this site (MyEx.com) has made many changes since July. The site's removal policy states that they do not permit or entertain removal requests from individuals who have been submitted to the site. They go on to say "In some cases MyEx.com may adhere to the dispute resolution process from independent arbitration services" and they refer you to a link for internetreputation.com. Upon further investigation I spoke with a representative by the name of Danny. He immediately knew the website I was referring to and offered to remove the content for a fee of \$2800. He also provided me with his private telephone number. Further, this atrocious website (MyEx.com) also lists an option to "Remove my name" for \$499.00. They instruct you wire the money via Western Union and to e-mail john_myexdotcom@yahoo.com for more details. I have no way to verify that this is legitimate and that my pictures will be removed! The grief that I'm experiencing is indescribable! I have a 13-year-old daughter, one parent with severe dementia and another who will literally have a heart attack if he finds these photos! I am afraid to apply for a job anywhere as most places do background checks and this site is now directly associated with my name as it comes up immediately! I am under a doctor's care for depression and anxiety due to this nightmare. Please contact me immediately via telephone or

e-mail.” (Consumer Sentinel Reference Number: 48629304; Sept. 4, 2013).

- l.** “A much older man name **[redacted name]** convinced me to make a mistake and send inappropriate pictures. He then posted them to a website to get revenge because I wouldn’t sleep with him. He also took photos off of my personal website and put them alongside the inappropriate ones as a way of black mailing me. I have been harassed since this was posted. I want this site removed. My reputation has been tarnished, these pictures have been sent to everyone I know. It is humiliating. The slanderous site was linked up to my facebook, which causes more harassment. I had to delete it. I gave you the phone number for the only person who received these photos, he posted them to a site called myex.com I am not even his ex! Please removed this site, my photos or prosecute this dude somehow.” (Consumer Sentinel Reference Number: 49369648; Oct. 20, 2013).
- m.** “Two days ago I received a Facebook message from a stranger, informing me that my picture and name is on this website. (I do not know if this person has something to do with the crime.) I found the website and there is no way to have the information removed. My email was hacked into earlier this year, but I didn't notice anything strange after I got back in. However, now I know that someone hacked into my email and found this nude picture of me taken five years ago (which I thought had been completely deleted). It is now all over the internet. I believe I can get it removed from most of the sites just by asking, but myex.com is the only one that has my real name. If my name and state is googled, the myex.com site comes up immediately. This picture was not posted by an “angry ex”. It was stolen. I should also note that when my email was hacked, so was my facebook, which gave me the IP address. I did a search on this IP, and found that it came from the same city in which I live. I plan to contact my local police department so they can hopefully find who it was, but right now my biggest concern is getting this photo off of myex.com because it has my name (and other pictures they stole from my facebook account). I’ve learned my lesson. But that was 5 years ago, and now I am a mother and plan to be a business owner. If I can't get it removed, it is so easily found in an online search, that I know it will follow me and ruin my reputation for the rest of my life. Please help!” (Consumer Sentinel Reference Number: 49052992; Oct. 14, 2013).

n. “On July 8, 2013, I received a Facebook message from a made up Facebook profile under the name of **[redacted name]**. He sent a private picture to me of me that was only a picture I had in my phone and did not send to anyone. I asked him how he got the picture and he proceeded to just send me more that he had. Some of them I only sent to my boyfriend, and others I did not send to anyone at all so I do not know how this person got them. He also sent me messages to my Facebook modeling page and when I threatened him saying that it was federal charges to hack someone’s pictures he then posted a picture to my modeling page wall for everyone to see. About ten days later he sent me another picture, I then blocked this person and told him to leave me alone. On September 12, 2013, I received a text message from a Tuscon number trying to chat with me. This person would not tell me who he was, but told me that he found my pictures, name and phone number on an adult website (truthordarepics.com). I searched this website but could not find myself posted to it anywhere, and this person would not send me a direct link. On October 8, 2013, my boyfriend received a Facebook message from a made up profile user under the name **[redacted name]**. He told my boyfriend that he saw my private pictures on a website called myex.com. On this website it states that I moved to **[redacted state]** from **[redacted state]** after having my daughter and that I got caught cheating. That is not a true statement. This posting was made by someone who went by “anonymous”. There was nasty comments left by users of the website, and there was also a direct link to my Facebook profile. Because of the Facebook link, I have been getting harassing messages from guys who frequent that website and saw me. **[redacted name]** continued to message my boyfriend saying sexual things about me, and he also sent very explicit messages and a photo of his privates to me. At first I was just trying to ignore everything that’s happened since July, but it has gone too far now and my personal private photos are all over the internet for anyone to have. I feel very violated and am more aware of my surroundings now feeling that at any moment someone is watching me. At times, I feel like any of these people or specifically this one person could know where I live and take it a step further. I don’t feel safe mainly because I do not know who this person is.” (Consumer Sentinel Reference Number: 49375168; Oct. 23, 2013).

B. Consumer Complaints Related to Take Down Fees

118. Below is a selection of consumer complaints received by the Federal Trade Commission that, in their own words, discuss the take down fees charged by the site:

- a. “[Redacted name] posted nude pictures of me on the website myex.com with out my consent. He kept threatening me and sent me the link of the site where he posted m,y pictures. He used to be my boyfriend for 5 years but we have been separated for almost a year now. These pictures can cause me my job and school. The website is asking for \$499 to remove the pictures but when I informed them that I had contacted the police they didn't reply back to my email. It seems to be a scam because they ask for you to pay the \$499 in money order from western union for an account in the name of Sheila Mae R. Garcia 5021nZamora St. Lourdes Northwest, Angeles City - 2009 Phillipines mobile number +6339991965728 when the website provides you with a Netherlands address. Websolutions Netherlands Singel 540 1017 AZ Amsterdam The Netherlands. I need help in taking these pictures down, it's affecting my life in every way. I've had to miss school and work and I've been getting sick from my nerves and distress. please help me” (Sentinel Reference Number: 49046358; Oct. 15, 2013)
- b. “A random stranger wrote to me on Facebook saying that he found me here on this website [redacted URL]. I was really shocked to see myself on there! This info is not true and I want to remove my pics and info off that site but when I click on remove info it leads me to a page saying I need to pay money which looks like it's in Euro currency. If I try to contact the website it says that I need to write snail mail to them in Amsterdam but I also emailed them somehow and in that email it says they will remove my info if I give them \$499.99 through Western Union in the Phillippines. This is all very confusing because there are several ways to pay and in different currencies and different destinations. This seems like extortioin to me and I believe the owners of the website www.myex.com also owns the

reputation guard website as well. When I checked who owns or registered the domain for www.myex.com it looks like it was registered in Vegas. This is all very confusing to me! I want to help take this website down!" (Sentinel Reference Number: 50353317; Dec. 20, 2013)

- c. "On December 3, 2013 I received an email from an unknown email address, **[redacted email address]**, regarding a website called www.myex.com that listed my first and last name, my age, the city and state of my address, a nude photo of myself, and another photo of just my face copied from the nude photo. The email was sent from a man named **[redacted name]** who claimed to be a victim of this website as well. His webpage on www.myex.com, which showed that he was also from **[redacted city and state]**, was linked to the webpage of myself on www.myex.com. He copied and pasted the hyperlink to the email for me to view all of the information and photos of myself put on the website. The unknown user of this website created this page of my personal information and photos on November 28, 2013. According to the website, in order to remove myself from the website I have to pay \$499.99 to ReputationGuard.co via Western Union to Sheila Mae Garcia. The address listed for her is 5021 Zamora St. Angeles City, Philippines, zip code 2009. The phone number listed for her is +639991965728. Once the money would be wired, I would then have to email ReputationGuard.co at support@reputationguard.co with the tracking number, my name, my city and state and country, and the profile name that was to be removed from www.myex.com." (Sentinel Reference Number: 50378126, Dec. 04, 2013)
- d. "posted pictures of my daughter when she was a minor and posted a picture of a naked woman with her face photoshopped onto picture. My daughter has been contacted to extort 500.00 to remove the fake pic of her from their site. see email below. ----- Forwarded message ----- From: ¿<support@reputationguard.co>¿ Date: Fri, Jan 3, 2014 at 6:34 PM Subject: Re: Picture To: **[redacted name]** <**[redacted email address]**> <**[redacted email address]**> It's a 499.99 fee instructions are below to send via western union > My name is on the website with a naked picture that is not of me and pics of me are underage. How do I > get this off of the "myex.com" website? > -- Pay via Western Union WESTERN UNION INSTRUCTIONS: Amount: 499.99 USD Send to: Sheila Garcia 1950 Kuliati St. Lourdes Sur Angeles City,

Philippines Zip code 2009 Phone: +639991969841 Please email us after you have wired the money with the tracking number, senders name,city,state & Country the money was sent from. Also include the profile name to be removed. Please send an email to this address support@reputationguard.co for the detail instructions. Please allow up to 24 to 72 hours for your record to be deleted when using Western Union. Please email us after you have wired the money with the tracking number, senders name,city,state & Country the money was sent from. Also include the profile name to be removed.” (Sentinel Reference Number: 51679369, Jan. 04, 2014)

- e. “on January 5th i got sent text message stating there was nude unauthorized photos of me on www.myex.com i went to the website put link in and saw these photos. they linked my facebook to this site so i had unsolicited friend request and comments and still receiving messages. when asked if i wanted to remove these photos they sent me to a third party site(<http://reputationguard.co/payment/?site=myex&id=11496>) asking that i pay a western union in the sum of \$499 to this address Send to: Sheila Garcia 1950 Kuliat St. Lourdes Sur Angeles City, Philippines Zip code 2009 Phone: +63999196984 when I contacted my local police dept they said there was nothing that could be done so went forth to find an attorney was in contact with **[redacted name]** from **[redacted city and state]** Mr. **[redacted name]** of **[redacted city and state]** Mr. **[redacted name]** in **[redacted city and state]** all of whom who said they would take on the case. Their fees are to expensive for my family.Mr. **[redacted name]** said more than likely since they are hiding overseas there is more than likely extortion and wire fraud going on and to not send money to this site. Mr. **[redacted name]** recommended I use dmca defender to help me.” (Sentinel Reference Number: 51681187; Jan. 09, 2014)
- f. “Someone posted pictures of my wife on myex.com December 1st 2013. The only way to get them removed is to click the "remove my name" link at the top of the page which takes you to another site which offers to remove your name from several other web sites for \$499.99 each which is sent via western union to a woman in the Philipines. The site comes up as the number one result in all major search engins when you type in her name. It lists her full name and her home town. We have contacted Google, Bing, and Yahoo and they have refused to

filter the the site from their search results. I understand that posting of non copyrighted photos on the internet is not a crime in itself, but I am hoping that in light of the CA Attourney General's recent extortion case against ugotposted.com that there is some action that can be taken. Thank-You for your consideration.” (Sentinel Reference Number: 51700421; Feb. 05, 2014)

- g. “I received emails and Facebook requests from strange men who knew my name saying they like my naked pictures. I learned where they got me email address. A couple of my friends from Facebook also said a girl contacting them with links to them on Facebook saying they had naked pictures of me. A friend of the family sent me the link. The links had my full name, the area I am from and my email address. There was a paragraph on the site that said to contact me and I will send pictures to anyone. They harassed me. They are claiming that it is a pornography revenge website. These exact pictures were in my email account that was hacked. I had belonged to a dating site was hacked who had 140,000 email addresses and passwords stolen. On the myex.com site there is a button that says remove my pictures and a link to a shopping cart that charged \$495.00. There is no name, address or any information about this company, just an internet form. Later, the site changed the link to a reputation removal site. When I do a search for my name on Bing.com my naked photo comes up in the web search results immediately. It's also the first result that comes up on Google. Please help!” (Sentinel Reference Number: 53092799; Apr. 07, 2014)

C. Observations Related to Consumer Complaints

119. From my review of these complaints, I observe that consumers experienced direct financial harm as a result of Defendants’ charging of fees for removal of intimate images and personal information from the MyEx.com website.

120. From my review of the complaints, I observe that consumers have lost their jobs—or are concerned that they might be fired from a current job—because

their intimate images and personal information are on MyEx.com. Consumers also fear not being hired for a future job, as the photos are publicly available and would appear in an employer's online search results for a job applicant's name on generally available search engines.

121. From my review of the complaints, I observe that in many instances, consumers complained about missing work or fearing they would lose their job or have had to quit their job.

122. From my review of the complaints, I observe that consumers were harmed in some instances by being harassed or threatened by stalkers and asked for sexual favors.

123. From my review of the complaints, I observe that in many instances, the consumer suffered harm in the form of mental distress and anxiety whenever in the public, or when at work or school.

124. From my review of the complaints, I observe consumers informed Defendants through emails that intimate images of them, along with personal information about them was posted on the website without their consent.

125. From my review of the complaints, I observe that in many instances, the consumer suffered from physical ailments and a feeling of being violated.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the statements

made in this declaration are true and correct. Executed in Washington, D.C. on

June 7, 2018.


Cheryl Thomas